McGREGOR W. SCOTT 1 United States Attorney ROBERT M. TWISS Assistant United States Attorneys 3 501 I Street, 10th Floor Sacramento, California 95814 4 Telephone: (916) 554-2767 5 6 7 IN THE UNITED STATES DISTRICT COURT FOR THE 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 UNITED STATES OF AMERICA, Plaintiff, 12 13 v.

CR. No. S-05-113 LKK

MOTION OF THE UNITED STATES TO DISMISS INDICTMENT AGAINST DEFENDANT ISORDIA ONLY

TERESA ISORDIA,

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Defendant.

Defendant Teresa Isordia was charged in a multiple count indictment on March 17, 2005 with conspiracy to possess methamphetamine and cocaine with intent to distribute and possession of cocaine with intent to distribute. The count charging possession of cocaine alleged that she possessed at least 5 kilograms of cocaine on or about March 10, 2005.

The underlying facts leading up to the indictment of defendant Isordia were that law enforcement officers executed a search warrant at her residence in San Joaquin county on March 10, 2005, and found approximately 10 kilograms of cocaine in a black gym bag on the floor of the closet of her bedroom.

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appears that she was the sole occupant of the bedroom and the sole party who made use of the closet in that bedroom. addition, defendant Isordia provided \$30,000 to co-defendants Sergio Curiel, Sr. and Celina Curiel by way of two cashiers checks, each in the amount of \$15,000, dated November 20, 2001 and January 2, 2002. Each \$15,000 cashiers' check was purchased with a \$15,000 personal check drawn on defendant Isordia's bank account the same day as the issuance of the cashier's check.

There were a series of four deposits in round thousand dollar increments in the total amount of \$13,000 into defendant Isordia's bank account at the Bank of America between November 27, 2001 and January 9, 2002, immediately before and essentially contemporaneous with the second \$15,000 withdrawal from defendant Isordia's bank account and purchase of the second \$15,000 cashier's check.

Notwithstanding the above, evidence developed subsequent to the indictment of defendant Isordia indicates that the indictment and all charges against her should be dismissed in the interest of justice. Accordingly, the United States moves to dismiss the indictment and all charges against defendant Isordia, only. Dated: October 6, 2006

> McGREGOR W. SCOTT United States Attorney

Assistant U.S. Attorney Chief, Narcotics and Violent Crime

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ORDER

IT IS SO ORDERED. The indictment and all charges are DISMISSED with regard to defendant Teresa Isordia, ONLY.

Dated: October / 0 , 2006

AAWRENCE K.~ KARLTON Senior D.S. District Judge